

REMARKS

This invention provides for herbicidal compositions that are useful against unwanted plants that are associated with tolerant maize crops. Applicants discovered that particular combinations of (A) and (B) group herbicides interact synergistically when they are employed to combat unwanted plant growth in tolerant maize crops. This invention further provides for the use of the inventive herbicidal combinations in combating unwanted plant growth in fields planted with maize.

It is believed that no fee is due for consideration of this paper. If, however, a fee is required, the Assistant Commissioner is authorized to charge said fee, or refund any overpayments, to Deposit Account No. 50-0320.

In the Office Action of January 27, 2003, the Examiner asserted (at 7) that the herbicidal data presented in the specification “do not demonstrate unexpected results because it cannot be determined if the differences between the expected and the observed results are statistically significant...” The accompanying Declaration of Dr. Erwin Hacker, a co-inventor of the present application, discusses the significance of the herbicidal effects described in the specification. Dr. Hacker describes how the dynamic range of qualitative effects in the herbicidal assays is larger than the dynamic range of quantitative effects, and how even small increases in killing over Colby’s expected value reflect robust synergistic qualitative effects on plant vigor. Dr. Hacker concludes that the experimental data presented in the specification demonstrate unexpected synergistic interactions between (A) and (B) group herbicides.

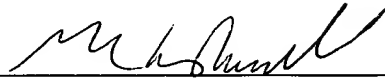
In view of the foregoing, therefore, it is respectfully urged that the data presented in the specification demonstrate unexpected results.

Favorable action is earnestly solicited.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP

Attorneys for Applicants

By: 

Mark W. Russell  
Registration No. 37,514  
745 Fifth Avenue  
New York, New York 10151